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C O N F I D E N T I A L SECTION 01 OF 02 VANCOUVER 000244

SIPDIS

STATE FOR WHA/CAN

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TAGS: CA PGOV PHUM PREF CE PTER

SUBJECT: CANADIANS DETAIN SHIPLOAD OF TAMILS

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CLASSIFIED BY: G. Kathleen Hill, Political/Economic Chief, US Consulate Vancouver, State.

REASON: 1.4 (b), (d)

¶1. (C) Summary: The Canadian Navy and Customs and Border Service Agency (CBSA) officials stopped and detained an aging freighter attempting to transport 76 men, mostly Tamils, into Canada. The action took place on October 17, although the vessel had been tracked from earlier in the week thanks to some foreign intelligence reporting. Indications are most of the migrants are ethnic Tamils, although there may be other ethnic groups represented. Press reports the passengers paid Cdn \$45,000 each for the trip from South Asia. The vessel is thought to be one of four managed by known Indonesian human smuggler Abraham Lauhenapessy. RCMP sources have informed us they have reason to believe this vessel was funded by the Tamil Tigers and are attempting to establish whether any of the men on board have ties to that terrorist organization. At the same time, the Canadian Government is publicly trying to maintain a balanced approach that emphasizes fair treatment while not appearing too lenient toward potential terrorists. End Summary.

¶2. (C) Canadian forces began tracking the vessel "Ocean Lady" on October 14 but press reports indicate the Canadians received tips about the voyage from foreign intelligence, most likely Australian, prior to locating the vessel itself. According to Canadian Navy contacts, the frigate HMCS Regina was sent out late on the 14th from Victoria to follow the Ocean Lady, but the vessel did not enter Canadian waters until October 17, at which point CBSA officials boarded the ship. CBSA officers found no documentation on the ship to say who operated the ship and none of the passengers claimed to be a member of the crew. All the passengers are male, between the ages of 17 and 45 and only a few were carrying identification. The ship was brought to port near Victoria and the 76 men were transported to a detention facility in the Vancouver area. The CBSA and Royal Canadian Mounted Police (RCMP) are jointly interviewing the men. All the detainees have been fingerprinted and photographed and an initial list of names and birthdates has been passed to U.S. ICE officials in Ottawa and Vancouver for assistance in verifying identifications.

¶3. (C) Canadian Immigration Minister Kenney voiced concern about "unconditionally embracing" the detainees as refugees and creating a "perverse incentive" for further dangerous attempts to enter Canada illegally. The Canadian Tamil Congress and other groups, such as No One Is Illegal, are strongly advocating refugee status for all of the detainees, stating all Tamils are subject to persecution in Sri Lanka. Per the Canadian Immigration and Refugee Protection Act, an individual must first formally file a refugee claim before being considered for status in Canada. Two detainees have already claimed refugee status and had initial hearings. These first claims are being reviewed but the Immigration Board denied them release because of fears

they would disappear. CBSA expects further claims to be filed and all detainees have had access to legal counsel. Minister Kenney has stated that all claims will be given a fair screening for admissibility, whether or not Tamil Tiger ties are suspected, but that a key factor is whether the claimants present a security risk to Canada and Canadian citizens. Sources told us that other Canadian security agencies interested in the detainees had been barred from fully participating in the early screening process while CBSA conducted the initial interviews. The effort of processing so many undocumented migrants has strained resources. Several units from RCMP and CBSA have been pulled out of scheduled Olympics-related security exercises to deal with the detainees.

¶4. (C) A source in the RCMP, who is himself ethnic Tamil and was called in to help with the interviews, told us that some of the men were claiming to be Tamil, while some were claiming to be Singalese. He believed that most are in fact Tamil but a few may not be from Sri Lanka at all. Canadian security authorities are highly suspicious of the group. According to sources, the ship, although it looked like a derelict form the outside, was well-appointed on the inside, complete with a fully-equipped gym and kitchen. The men's excellent physical condition and the fact they are all of military age increases the suspicion of Tamil Tiger ties. Press reports state the men paid Cdn \$45,000 each for the voyage to Canada. According to a Tamil Congress spokesman, the average salary in Sri Lanka is Cdn \$1,200 a year. RCMP and CBSA are attempting to discover how these men raised such funding and whether they had help from the Tigers.

¶5. (C) Comment: The Canadian government is proceeding with extreme caution in processing these detainees. In 1999, three ships loaded with Chinese migrants made their way to Canadian shores. Many of the detainees spent years in detention as their cases were processed. Several hundred were released and disappeared, presumably into the U.S. as illegal immigrants. In the end most of the remainder were sent back and only a handful were granted refugee status. In the end the GOC was highly criticized from all sides for poor handling of the Chinese

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migrants. The GOC is determined this time to demonstrate transparent, fair and efficient processing. The balanced approach is strained, however, by the conflict between the suspected role of the Tamil Tigers, a group classified as a terrorist organization by the GOC, and the loud voice of the 250,000-strong Tamil community in Canada. End Comment.  
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